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COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

At Richmond, FEBRUARY 15, 2000

APPLICATION OF

B & J ENTERPRISES, L.C.

CASE NO. PUE990616

For a certificate of public
convenience and necessity to
operate a sewerage utility

PROCEDURAL ORDER

By Order entered September 9, 1999 ("September 9 Order"), the Commission docketed this case and suspended the rates proposed by B & J Enterprises, L.C. ("B & J" or "Company"). The Commission directed Staff to investigate the application and submit a report of its investigation on or before January 15, 2000. The Company was directed to provide notice of its application to its customers and to the Chairman of the Board of Supervisors of Montgomery County, Virginia.

B & J has provided sewerage utility services to residential customers in and around the Blacksburg County Club, near the community of Ellett, Montgomery County, Virginia. The Company's customers were provided an opportunity to submit comments or request a hearing on B & J's application.

On October 15, 1999, 37 customers of the Company submitted a petition requesting a hearing on the application. Also, additional comments were filed.

On January 21, 2000, the Commission's Staff filed a motion for an extension ("Motion") of time for filing the testimony and report required by the September 9 Order, to set the matter for hearing, and to establish a further procedural schedule for the receipt of prefiled testimony and evidence. In its Motion, Staff stated that it believes that the number of requests for a hearing

supported the establishment of a public hearing in this matter. Staff observed that it is currently investigating a complaint that the Company has attempted in at least one instance to impose the rates that were suspended pursuant to the September 9 Order. Staff further stated that it has experienced difficulty in obtaining, reviewing, and verifying information from the Company, and requested an extension of 120 days to file testimony, rather than submit the results of its investigation in the form of a report.

NOW THE COMMISSION, upon consideration of B & J's application, the comments and requests for a hearing filed by the Company's customers and Staff's Motion, is of the opinion that Staff's Motion should be granted. We hereby direct that a procedural schedule be established in this proceeding, and that this matter be assigned to a hearing examiner pursuant to Rule 7:1 of the Commission's Rules of Practice and Procedure ("Rules") to conduct all further proceedings. Accordingly,

IT IS ORDERED that:

- (1) Pursuant to Rule 7:1, a hearing examiner is appointed to conduct all further proceedings in this matter.
- (2) A public hearing shall be held for the purpose of receiving evidence relevant to the Company's application. The hearing examiner appointed herein shall schedule a public hearing by a separate ruling which, if the hearing examiner finds appropriate, may be held in the local community.
- (3) The appropriate members of the Commission's Staff shall investigate and present their findings and recommendations in testimony at the public hearing to be scheduled by the hearing examiner.
- (4) On or before April 7, 2000, the Company shall file with the Commission's Document Control Center an original and fifteen (15) copies of the prepared testimony and exhibits the Company intends to present at the hearing, and make a copy of the same available for public inspection as provided in Ordering Paragraph (4) in the September 9, 1999, Order Docketing Case and Suspending Rates.

(5) Any person desiring to participate as a Protestant, pursuant to Rule 4:6, shall file on or before April 17, 2000, an original and fifteen (15) copies of a Notice of Protest as provided in Rule 5:16(a) with the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia, 23218, referring to Case No. PUE990616, and shall serve a copy on the Company. Service upon the Company shall be made on Daina Trimble Reynolds II, Superintendent, B & J Enterprises, L.C., 3807 Brandon Ave., S.W., Suite 245, Roanoke, Virginia, 24018.

(6) Within five (5) days of receipt of any Notice of Protest, the Company shall serve on each Protestant a copy of all material now or hereinafter filed with the Commission.

(7) Any person who expects to submit evidence, cross-examine witnesses, or otherwise participate in the proceeding as a Protestant, pursuant to Rule 4:6, shall file on or before April 28, 2000, an original and fifteen (15) copies of a Protest with the Clerk of the State Corporation Commission, as specified in Ordering Paragraph (5) above, and shall simultaneously send a copy to the Company also specified in Ordering Paragraph (5) above.

(8) The Protest shall set forth (i) a precise statement of the interest of the Protestant in the proceeding; (ii) a full and clear statement of the facts which the Protestant is prepared to prove by competent evidence; and (iii) a statement of the specific relief sought and the legal basis therefor. Any corporate entity or governmental unit that wishes to submit evidence, cross-examine witnesses, or otherwise participate as a Protestant must be represented by legal counsel in accordance with the requirements of Rule 4:8.

(9) On or before April 28, 2000, each Protestant shall file an original and fifteen (15) copies of the prepared testimony and exhibits the Protestant intends to present at the public hearing, and shall simultaneously mail a copy to the Company at the address above and to other Protestants.

(10) On or before May 12, 2000, the Commission Staff shall file an original and fifteen (15) copies of the prepared testimony and exhibits Staff intends to present at the public hearing and shall serve a copy of each upon B & J and each Protestant. Such filing shall be made in lieu

of the Staff Report that was required by the September 9, 1999, Order Docketing Case and Suspending Rates.

(11) On or before May 25, 2000, the Company shall file an original and fifteen (15) copies of all testimony it expects to introduce in rebuttal to all direct prefiled testimony and exhibits. Additional rebuttal evidence may be presented without prefilings, provided it is in response to evidence which was not prefiled but elicited at the time of the hearing, and, provided further, the need for additional rebuttal evidence is timely addressed by motion during the hearing and leave to present said evidence is granted by the hearing examiner. A copy of the prefiled rebuttal evidence shall be sent to the Company and all other parties to the proceeding.

(12) The Company and Protestants shall respond to written interrogatories within ten (10) days after the receipt of same. Protestants shall provide the Company, other Protestants, and Staff with any work papers or documents used in preparation of their filed testimony promptly upon request. Except as modified above, discovery shall be in accordance with Part IV of the Rules.

(13) Any person desiring to comment in writing on B & J's application may do so by directly filing such comments, on or before April 21, 2000, to the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia, 23218. Such comments shall refer to Case No. PUE990616. Any person desiring to make a statement at the public hearing concerning the application need only appear at the location of the public hearing, to be scheduled by the hearing examiner in a subsequent ruling, and identify himself or herself to the Bailiff.

(14) On or before February 25, 2000, the Company shall provide the following notice to be sent to each of its customers by first class mail, postage prepaid (bill inserts are acceptable), and to the Chairman of the Board of Supervisors of Montgomery County, Virginia:

NOTICE TO THE PUBLIC OF A PROCEDURAL SCHEDULE
FOR THE APPLICATION OF B & J ENTERPRISES FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY
CASE NO. PUE990616

TAKE NOTICE that the State Corporation Commission has established a procedural schedule for the receipt of evidence relevant to B & J's application to obtain a certificate of public convenience and necessity. The Company has requested authority to provide sewerage utility service to customers in and area around Blacksburg Country Club, near Ellett, Montgomery County, Virginia. The Company's proposed rates, charges, and tariff was published in its notice furnished to customers on or about October 22, 1999.

By subsequent ruling, the date and location of a public hearing on B & J's application will be established by a Commission hearing examiner to receive evidence relevant to the Company's application.

Individuals with disabilities who require an accommodation to participate in the hearing should contact the Commission at 1-800-552-7945 (voice) or 1-800-371-9206 (TDD) at least seven (7) days before the scheduled hearing date.

Any person desiring to comment in writing on the application may do so by directing such comments on or before April 21, 2000, to the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia, 23218, referring to Case No. PUE990616. Any person desiring to make a statement at the public hearing, either for or against the application, need only appear at the hearing that will be scheduled by a hearing examiner by subsequent ruling, and identify himself or herself as a public witness to the Commission's Bailiff.

On or before April 17, 2000, any person desiring to participate as a Protestant, as defined in Rule 4:6 of the Commission's Rules of Practice and Procedure ("Rules") shall file an original and fifteen (15) copies of a Notice of Protest, as provided in Rule 5:16(a), with the Clerk of the Commission and serve a copy upon the Company. Service upon the Company shall be made on Daina Trimble Reynolds II, Superintendent, B & J Enterprises, L.C., 3807 Brandon Ave., S.W., Suite 245, Roanoke, Virginia, 24018.

Any person who expects to submit evidence, cross-examiner witnesses or otherwise participate in the proceeding as a Protestant pursuant to Rule 4:6 shall file on or before April 28, 2000, an original and fifteen (15) copies of a Protest with the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia, 23218, referring to Case No. PUE990616, and simultaneously shall send a copy thereof to the Company send at the address provided in the foregoing paragraph.

On or before April 28, 2000, each Protestant shall file an original and fifteen (15) copies of the prepared testimony and exhibits that the Protestant intends to present at the public hearing, and shall simultaneously mail a copy to the Company and each Protestant. All written communications to the Commission regarding this case should be directed to the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia, 23218, and should refer to Case No. PUE990616.

(15) On or before February 25, 2000, the Company shall file with the Clerk of the Commission proof of notice as required by Ordering Paragraph (14).